

1643  
OP

# Fee Transmittal for FY 2002

JAN 18 2002

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT**

(\$)

180.00

Complete If Known

Application Number	08/089,407
Filing Date	July 8, 1993
First Named Inventor	Paul LUCIW et al.
Examiner Name	M. Zeman
Group / Art Unit	1643

Attorney Docket No. 002441.57317

METHOD OF PAYMENT (check one)				FEE CALCULATION (continued)																																																																																																																																																																																																																																		
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:				<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th rowspan="2">Fee Code</th> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> </tr> </thead> <tbody> <tr> <td>105</td> <td>130</td> <td>205</td> <td>65</td> <td></td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>127</td> <td>50</td> <td>227</td> <td>25</td> <td></td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>139</td> <td>130</td> <td>139</td> <td>130</td> <td></td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>147</td> <td>2,520</td> <td>147</td> <td>2,520</td> <td></td> <td>For filing a request for reexamination</td> <td></td> </tr> <tr> <td>112</td> <td>920*</td> <td>112</td> <td>920*</td> <td></td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>113</td> <td>1,840*</td> <td>113</td> <td>1,840*</td> <td></td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>115</td> <td>110</td> <td>215</td> <td>55</td> <td></td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>116</td> <td>400</td> <td>216</td> <td>200</td> <td></td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>117</td> <td>920</td> <td>217</td> <td>460</td> <td></td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>118</td> <td>1,440</td> <td>218</td> <td>720</td> <td></td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>128</td> <td>1,960</td> <td>228</td> <td>980</td> <td></td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>119</td> <td>320</td> <td>219</td> <td>160</td> <td></td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>120</td> <td>320</td> <td>220</td> <td>160</td> <td></td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>121</td> <td>280</td> <td>221</td> <td>140</td> <td></td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>138</td> <td>1,510</td> <td>138</td> <td>1,510</td> <td></td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>140</td> <td>110</td> <td>240</td> <td>55</td> <td></td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>141</td> <td>1,280</td> <td>241</td> <td>640</td> <td></td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>142</td> <td>1,280</td> <td>242</td> <td>640</td> <td></td> <td>Utility issue fee (or reissue)</td> <td></td> </tr> <tr> <td>143</td> <td>460</td> <td>243</td> <td>230</td> <td></td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>144</td> <td>620</td> <td>244</td> <td>310</td> <td></td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>122</td> <td>130</td> <td>122</td> <td>130</td> <td></td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>123</td> <td>50</td> <td>123</td> <td>50</td> <td></td> <td>Processing fee under 37 CFR 1.17 (q)</td> <td></td> </tr> <tr> <td>126</td> <td>180</td> <td>126</td> <td>180</td> <td></td> <td>Submission of Information Disclosure Stmt</td> <td>180.00</td> </tr> <tr> <td>581</td> <td>40</td> <td>581</td> <td>40</td> <td></td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>146</td> <td>740</td> <td>246</td> <td>370</td> <td></td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td></td> </tr> <tr> <td>149</td> <td>740</td> <td>249</td> <td>370</td> <td></td> <td>For each additional invention to be examined (37 CFR § 1.129(b))</td> <td></td> </tr> <tr> <td>179 (RCE)</td> <td>740</td> <td>279</td> <td>370</td> <td></td> <td>Request for Continued Examination</td> <td></td> </tr> <tr> <td>169</td> <td>900</td> <td>169</td> <td>900</td> <td></td> <td>Request for expedited examination of a design application</td> <td></td> </tr> <tr> <td colspan="4">Other fee (specify) _____</td> <td colspan="4"></td> </tr> <tr> <td colspan="4">*Reduced by Basic Filing Fee Paid</td> <td colspan="4">SUBTOTAL (3) (\$ 180.00)</td> </tr> </tbody> </table>				Fee Code	Large Entity		Small Entity		Fee Description	Fee Paid	Fee (\$)	Fee Code	Fee (\$)	Fee Code	105	130	205	65		Surcharge - late filing fee or oath		127	50	227	25		Surcharge - late provisional filing fee or cover sheet		139	130	139	130		Non-English specification		147	2,520	147	2,520		For filing a request for reexamination		112	920*	112	920*		Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*		Requesting publication of SIR after Examiner action		115	110	215	55		Extension for reply within first month		116	400	216	200		Extension for reply within second month		117	920	217	460		Extension for reply within third month		118	1,440	218	720		Extension for reply within fourth month		128	1,960	228	980		Extension for reply within fifth month		119	320	219	160		Notice of Appeal		120	320	220	160		Filing a brief in support of an appeal		121	280	221	140		Request for oral hearing		138	1,510	138	1,510		Petition to institute a public use proceeding		140	110	240	55		Petition to revive - unavoidable		141	1,280	241	640		Petition to revive - unintentional		142	1,280	242	640		Utility issue fee (or reissue)		143	460	243	230		Design issue fee		144	620	244	310		Plant issue fee		122	130	122	130		Petitions to the Commissioner		123	50	123	50		Processing fee under 37 CFR 1.17 (q)		126	180	126	180		Submission of Information Disclosure Stmt	180.00	581	40	581	40		Recording each patent assignment per property (times number of properties)		146	740	246	370		Filing a submission after final rejection (37 CFR § 1.129(a))		149	740	249	370		For each additional invention to be examined (37 CFR § 1.129(b))		179 (RCE)	740	279	370		Request for Continued Examination		169	900	169	900		Request for expedited examination of a design application		Other fee (specify) _____								*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$ 180.00)			
Fee Code	Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																																																																
	Fee (\$)	Fee Code	Fee (\$)	Fee Code																																																																																																																																																																																																																																		
105	130	205	65		Surcharge - late filing fee or oath																																																																																																																																																																																																																																	
127	50	227	25		Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																																																																	
139	130	139	130		Non-English specification																																																																																																																																																																																																																																	
147	2,520	147	2,520		For filing a request for reexamination																																																																																																																																																																																																																																	
112	920*	112	920*		Requesting publication of SIR prior to Examiner action																																																																																																																																																																																																																																	
113	1,840*	113	1,840*		Requesting publication of SIR after Examiner action																																																																																																																																																																																																																																	
115	110	215	55		Extension for reply within first month																																																																																																																																																																																																																																	
116	400	216	200		Extension for reply within second month																																																																																																																																																																																																																																	
117	920	217	460		Extension for reply within third month																																																																																																																																																																																																																																	
118	1,440	218	720		Extension for reply within fourth month																																																																																																																																																																																																																																	
128	1,960	228	980		Extension for reply within fifth month																																																																																																																																																																																																																																	
119	320	219	160		Notice of Appeal																																																																																																																																																																																																																																	
120	320	220	160		Filing a brief in support of an appeal																																																																																																																																																																																																																																	
121	280	221	140		Request for oral hearing																																																																																																																																																																																																																																	
138	1,510	138	1,510		Petition to institute a public use proceeding																																																																																																																																																																																																																																	
140	110	240	55		Petition to revive - unavoidable																																																																																																																																																																																																																																	
141	1,280	241	640		Petition to revive - unintentional																																																																																																																																																																																																																																	
142	1,280	242	640		Utility issue fee (or reissue)																																																																																																																																																																																																																																	
143	460	243	230		Design issue fee																																																																																																																																																																																																																																	
144	620	244	310		Plant issue fee																																																																																																																																																																																																																																	
122	130	122	130		Petitions to the Commissioner																																																																																																																																																																																																																																	
123	50	123	50		Processing fee under 37 CFR 1.17 (q)																																																																																																																																																																																																																																	
126	180	126	180		Submission of Information Disclosure Stmt	180.00																																																																																																																																																																																																																																
581	40	581	40		Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																																	
146	740	246	370		Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																																																																	
149	740	249	370		For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																																																																	
179 (RCE)	740	279	370		Request for Continued Examination																																																																																																																																																																																																																																	
169	900	169	900		Request for expedited examination of a design application																																																																																																																																																																																																																																	
Other fee (specify) _____																																																																																																																																																																																																																																						
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$ 180.00)																																																																																																																																																																																																																																		
<b>1. BASIC FILING FEE</b> <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th colspan="2">Fee Description</th> <th>Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th></th> </tr> </thead> <tbody> <tr> <td>101</td> <td>740</td> <td>201</td> <td>370</td> <td>Utility filing fee</td> <td></td> </tr> <tr> <td>106</td> <td>330</td> <td>206</td> <td>165</td> <td>Design filing fee</td> <td></td> </tr> <tr> <td>107</td> <td>510</td> <td>207</td> <td>255</td> <td>Plant filing fee</td> <td></td> </tr> <tr> <td>108</td> <td>740</td> <td>208</td> <td>370</td> <td>Reissue filing fee</td> <td></td> </tr> <tr> <td>114</td> <td>160</td> <td>214</td> <td>80</td> <td>Provisional filing fee</td> <td></td> </tr> </tbody> </table>				Large Entity	Small Entity	Fee Description		Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)		101	740	201	370	Utility filing fee		106	330	206	165	Design filing fee		107	510	207	255	Plant filing fee		108	740	208	370	Reissue filing fee		114	160	214	80	Provisional filing fee		<b>SUBTOTAL (1) (\$ 0)</b>																																																																																																																																																																																										
Large Entity	Small Entity	Fee Description		Fee Paid																																																																																																																																																																																																																																		
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																																																																			
101	740	201	370	Utility filing fee																																																																																																																																																																																																																																		
106	330	206	165	Design filing fee																																																																																																																																																																																																																																		
107	510	207	255	Plant filing fee																																																																																																																																																																																																																																		
108	740	208	370	Reissue filing fee																																																																																																																																																																																																																																		
114	160	214	80	Provisional filing fee																																																																																																																																																																																																																																		
<b>2. EXTRA CLAIM FEES</b> <table border="1"> <thead> <tr> <th colspan="2"></th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> <tr> <th>Total Claims</th> <th></th> <th>-20 **</th> <th>=</th> <th>0</th> </tr> <tr> <th>Independent Claims</th> <th></th> <th>-3 **</th> <th>=</th> <th>0</th> </tr> <tr> <th>Multiple Dependent</th> <th></th> <th></th> <th>X</th> <th>0</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>						Extra Claims	Fee from below	Fee Paid	Total Claims		-20 **	=	0	Independent Claims		-3 **	=	0	Multiple Dependent			X	0						<b>SUBTOTAL (2) (\$ 0)</b>																																																																																																																																																																																																									
		Extra Claims	Fee from below	Fee Paid																																																																																																																																																																																																																																		
Total Claims		-20 **	=	0																																																																																																																																																																																																																																		
Independent Claims		-3 **	=	0																																																																																																																																																																																																																																		
Multiple Dependent			X	0																																																																																																																																																																																																																																		
<small>**or number previously paid, if greater; For Reissues, see above</small>																																																																																																																																																																																																																																						

SUBMITTED BY						Complete (if applicable)	
Name (Print/Type)	Lisa M. Hemmendinger	Registration No. Attorney/Agent)	42,653	Telephone	202-508-9100		
Signature	<i>Lisa M. Hemmendinger</i>				Date	January 18, 2002	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

*In re* Application of: )

Paul LUCIW *et al.* )

Serial No. 08/089,407 )

Filed: July 8, 1993 )

For: **HIV IMMUNOASSAYS USING SYNTHETIC ENVELOPE POLYPEPTIDES**

Group Art Unit: 1643

Examiner: M. Woodward

Atty. Dkt. No. 0035.009

(2341.57317

RECEIVED  
JAN 24 2002  
600/2900

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Assistant Director for Patents  
Washington, D.C. 20231

Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, enclosed are two PTO Forms-1449 listing documents for consideration by the Examiner during the prosecution of the subject application. Copies of each of the cited documents were provided in related application Serial No. 08/083,391.

The documents identified as D1, D2, and D4-D28 are exhibits to the document identified as D3. Their relevance is explained in the D3 document.

Please charge the \$180.00 fee for submission of this Information Disclosure Statement to our Deposit Account No. 19-0733.

01/23/2002 BSAYAS11 00000124 190733 08089407

01 FC:126 180.00 CH

Respectfully submitted,

Dated: 1-18-02

By: Lisa M. Hemmendinger  
Lisa M. Hemmendinger  
Registration No. 42,653

Banner & Witcoff, Ltd.  
1001 G Street, N.W.  
Suite 1100  
Washington, D.C. 20001-4597  
(202) 508-9100

PTO-1449 (Modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 002441.57317, 00035.009	APPLICATION NUMBER: 08/089,407
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICANT Luciw <i>et al.</i>	
		FILING DATE July 8, 1993	GROUP ART UNIT 1643

JAN 18 2002  
PATENT & TRADEMARK OFFICE

## FOREIGN PATENT DOCUMENTS

<u>EXAMINER INITIAL</u>		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
	D1	EP 0 181 150 B1	14 May 1986	Chiron Corporation	--	--	TECH CEN
	D2	DE 35 87 394 T2	9 June 1993	Chiron Corporation	--	--	JAN 18 2002

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	D3	Translation of Action for Grant of Compulsory License to EP 0 181 150, July 3, 2000
	D4	Interlocutory Decision in Opposition Proceedings 85 307 860.8, 10 March 1998 (English translation, Exhibit K2 filed in compulsory license action [D3])
	D5	Interlocutory Decision in Opposition Proceedings 85 307 860.8, 10 March 1998 (original German, Exhibit K2a filed in compulsory license action [D3])
	D6	Documents submitted to EPO by Chiron for maintaining EP 0 181 150 (Exhibit K3 filed in compulsory license action [D3])
	D7	Minutes of Oral Proceedings in T351/98-334, November 2, 3, and 4, 1999 (Exhibit K4 filed in compulsory license action [D3])
	D8	Main Request and four auxiliary requests (Exhibit K5 filed in compulsory license action [D3])
	D9	copy from Römpf's Lexikon der Chemie, 10 <sup>th</sup> ed., Stuttgart/New York, 1999 (Exhibit K6 filed in compulsory license action [D3])
	D10	copy from Römpf's Lexikon der Biotechnologie und Gentechnik, 2d ed., Stuttgart/New York, 1999 (Exhibit K7 filed in compulsory license action [D3])
	D11	Product description of Amplicor HIV-1 Monitor™ Test, Version 1.5, November 1998 (Exhibit K8 filed in compulsory license action [D3])
	D12	Product description of COBAS HIV-1 Monitor™ Test, version 1.5, May 1999 (Exhibit K9 filed in compulsory license action [D3])
	D13	Product description of Amplicor® HIV-1 Test, August 1998 (Exhibit K10 filed in compulsory license action [D3])
	D14	Expert opinion by Prof. Dr. med. Lutz Gürler (Exhibit K11 filed in compulsory license action [D3])

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial citation if reference was considered. Draw line through citation if not in conformance to MPEP 609 and not considered. Include copy of this form with next communication to applicant.

PTO-1449 (Modified)  U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  INFORMATION DISCLOSURE STATEMENT BY APPLICANT	ATTY. DOCKET NO. 002441.57317, 00035.009	APPLICATION NUMBER: 08/089,407
APPLICANT Luciw <i>et al.</i>		
FILING DATE  July 3, 1993	GROUP ART UNIT  16421	
RECEIVED JAN 24 2002 PATENT & TRADEMARK OFFICE RECEIVED JAN 24 2002 RECEIVED JAN 24 2002		
FOREIGN PATENT DOCUMENTS		

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

D15	Eric et al., Performance Characteristics of the bDNA 3.0 Assay for Quantitation of HIV-1 RNA in Plasma, Poster Session (Exhibit K12 filed in compulsory license action [D3])
D16	Roland et al., Pitfalls of HIV RNA testing in the San Francisco Post-Exposure Prevention Project presented at the 6 <sup>th</sup> Conference on retroviruses and Opportunistic Infections (Chicago, February, 1999) (Exhibit K13 filed in compulsory license action [D3])
D17	Perez et al., Evaluation of the New Quantiplex 3.0 HIV bDNA Assay (Q3): A comparison with Quantiplex 2.0 (Q2), presented at the 6 <sup>th</sup> Conference on retroviruses and Opportunistic Infections (Chicago, February, 1999) (Exhibit K14 filed in compulsory license action [D3])
D18	Decision of the 4 <sup>th</sup> Division for Civil Matters of the Regional Court Düsseldorf pronounced May 18, 2000 (original German, Exhibit K15 filed in compulsory license action [D3])
D19	Decision of the 4 <sup>th</sup> Division for Civil Matters of the Regional Court Düsseldorf pronounced May 18, 2000 (English translation of Exhibit K15 filed in compulsory license action [D3])
D20	Letter to William Green, Chiron Corporation, dated June 2, 1999 (Exhibit K16 filed in compulsory license action [D3])
D21	Letter to William Green, Chiron Corporation, dated May 19, 2000 (Exhibit K17 filed in compulsory license action [D3])
D22	HIV/AIDS/STI Surveillance, <a href="http://www.who.int/health.topics/hiv.htm">http://www.who.int/health.topics/hiv.htm</a> , '00 (Exhibit K18 filed in compulsory license action [D3])
D23	Allgemeines zu den epidemiologischen Seiten über HIV/AIDS, Robert Koch-Institut, 1999 (Exhibit K19 filed in compulsory license action [D3])
D24	Remarks as prepared for delivery by Vice President Al Gore, United Nations Security Council Opening Session, January 10, 2000 (Exhibit K20 filed in compulsory license action [D3])
D25	Statement by Dr. Andreas Plettenberg, HAART 1998 – Möglichkeiten und Grenzen, 1998 (Exhibit K21 filed in compulsory license action [D3])
D26	Declaration by Prof. Dr. med. Noll (Exhibit K22 filed in compulsory license action [D3])
D27	Declaration of Prof. Dr. Peterson (Exhibit K23 filed in compulsory license action [D3])
D28	Declaration by the joint practice of Dr. med. Knechten, Dr. med Habetz dated June 5, 2000 (Exhibit K24 filed in compulsory license action [D3])
D29	Declaration of Michael P. Dooley, October 3, 1991, filed in Chiron Corporation v. Roche Nederland B.V. et al., Case No. 98/870
D30	Declaration of Joseph M. Perillo, 1999, filed in Chiron Corporation v. F. Hoffmann-La Roche AG et al., Case No. 7 0 21945/97
D31	Statement of Claim dated November 27, 1997, Certified Copy of Court Directions dated December 3, 1997, and copy of decision dated December 3, 1997 in Case No. 7 0 21945/97 (Action for a Negative Declaration)
D32	Decision on Preliminary Motions in Interference No. 103,659
D33	Reconsideration of Decision on Preliminary Motions in Interference No. 103,659

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial citation if reference was considered. Draw line through citation if not in conformance to MPEP 609 and not considered.  
Include copy of this form with next communication to applicant.